

## REMARKS

Claims 1-49 are pending, with Claims 7-8, 20-21, 32-33 and 36-49 being withdrawn. Upon entry of the above amendment, claims 1, 14, 27-29, 35-36, 41 and 45 are amended and claims 50-52 are added. No new matter is introduced by these amendments. A petition for a one-month extension of time is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing or to credit any overpayment.

### Withdrawn Claims 36-49

The Office Action withdrew Claims 36-49 as being directed to non-elected species. Further, the Office Action suggested that one or more limitations of Claim 36 were not described or suggested in the originally filed application. Applicant respectfully disagrees. With respect to Claims 36-49 and similar to non-withdrawn Claims 29-31, Applicant respectfully submits that each of these claims is readable upon the species of Fig. 5. Each of these claims relates to the species of Fig. 5 and a lens exemplified by Figs. 13-16. The specification states that the lenses shown in these figures may be employed as the lens 106 or 106-1 (i.e., the lenses in these figures can replace the lens 106 of Fig. 5). See Para [0045] and [0047].

Furthermore, Figs. 13-16 were not included in the March 24, 2005 Election/Restriction Requirement and thus Applicant submits that they are only embodiments of the same invention.

### Objections to the Specification

The Office Action objected to Paragraph 0029 of the specification for inaccurately describing Fig. 8. The Office Action also objected to a misspelling in Paragraph 0050. Applicant has amended the specification to correct these errors. No new matter is introduced by these amendments. For at least the above reasons, it is respectfully requested that these objections be withdrawn.

Double-Patenting Rejections

The Office Action provisionally rejected Claims 1-6, 9-19, 22-31, 34 and 35 on the grounds of nonstatutory obviousness-type double patenting in view of copending Application No. 11/038,320. The Office Action also provisionally rejected Claims 1-6, 9-19, 22-31, 34 and 35 on the grounds of nonstatutory obviousness-type double patenting in view of copending Application No. 10/455,788. Applicant respectfully disagrees; however, terminal disclaimer statements for the two copending applications are submitted with this response. For at least the above reasons, it is respectfully requested that these provisional rejections be withdrawn.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Office Action rejected Claim 35 under 35 U.S.C. §112, second paragraph as being indefinite. Applicant respectfully disagrees; however, applicant has amended Claim 35 to further clarify its meaning. For at least this reason, it is respectfully requested that this rejection be withdrawn.

Rejections Under 35 U.S.C. §102(b) and §103(a)

The Office Action rejected Claims 1-6 and 13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,197,057 (“Peyman ‘057”). The Office Action also rejected Claims 9-12, 14-19, 22-31, 34 and 35 under 35 U.S.C. §103(a) as being unpatentable over Peyman ‘057. Applicant respectfully disagrees.

Peyman ‘057 discloses a supplemental intraocular lens being provided for implantation in the eye to modify the lens system of the eye. The lens system includes the cornea and the natural lens or an intraocular lens already implanted in the eye. Thus, a modified lens system is created having teledioptic or other diffractive capabilities to correct for macular degeneration.

In particular, Figs. 18-21 show a minus lens and a plus lens being implanted into the eye in series. However, the minus lens is anterior to the plus lens. Peyman ‘057 does not show a lens that is inserted anterior to a minus lens. It is respectfully submitted that a minus lens anterior to a plus lens does not create a Galilean telescope but instead creates an optical arrangement with a very different effect. Instead of increasing the magnification of an image and

decreasing the field of view like a Galilean telescope, the arrangement of a minus lens anterior to the plus lens decreases the magnification of an image and increases the field of view.

Peyman '057 only discloses forming a Galilean telescope by placing an additional plus lens in the optical pathway outside the eye. In contrast, Claim 1 recites a first lens having a high minus portion adapted to supplement the natural or existing artificial lens and be implanted in the eye and a second lens adapted to be implanted into the eye in series with and anterior to the first lens and used in combination with the first lens to create a lens system that functions as a teledioptic lens system. This optical arrangement includes an artificial Galilean telescope within the eye. This telescope can be used with an external lens, but an external lens is not necessary for the Galilean telescope to exist, again, in contrast to Peyman '057.

For at least these reasons, it is respectfully submitted that Peyman '057 does not anticipate or obviate a first lens having a high minus portion adapted to supplement the natural or existing artificial lens and be implanted in the eye and a second lens adapted to be implanted into the eye in series with and anterior to the first lens and used in combination with the first lens to create a lens system that functions as a teledioptic lens system.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are each patentably distinguished from Peyman '057 and are in condition for allowance.

For similar reasons, it is respectfully submitted that Claim 14 and its dependent claims are each patentably distinguished from Peyman '057 and are in condition for allowance. Specifically, Peyman '057 does not disclose or suggest implanting in the eye a first lens having a high minus portion and implanting in the eye a second lens in series with and anterior to the first lens to create a lens system that supplements the natural or existing artificial lens and functions as a teledioptic lens system.

For similar reasons, it is respectfully submitted that Claim 27 is patentably distinguished from Peyman '057 and is in condition for allowance. Specifically, Peyman '057 does not disclose or suggest a first lens having a high minus portion and an outer portion substantially surrounding the high minus portion and being formed as a plus, minus, or toric lens, adapted to be implanted in the eye in a predetermined position relative to the natural lens or an existing artificial lens and a second lens adapted to be implanted into the eye anterior to the first lens and

used in combination with the first lens to create a lens system that functions as a teledioptic lens system.

For similar reasons, it is respectfully submitted that Claim 28 is patentably distinguished from Peyman '057 and is in condition for allowance. Specifically, Peyman '057 does not disclose or suggest implanting in the eye a first lens having a high minus portion and an outer portion substantially surrounding the high minus portion and being formed as a plus, minus or toric lens in a predetermined position relative to the natural or existing artificial lens in the eye, and implanting in the eye a second lens in series with and anterior to the first lens to create a lens system that functions as a teledioptic lens system.

For similar reasons, it is respectfully submitted that Claim 29 and its dependent claims are each patentably distinguished from Peyman '057 and are in condition for allowance. Specifically, Peyman '057 does not disclose or suggest a first lens having a high minus portion and a second portion that is formed as a plus, minus or toric lens, the first lens adapted to be inserted into the eye and a second lens adapted to be inserted into the eye in series with and anterior to the first lens such that the first and second lenses form a teledioptic lens system.

For similar reasons, it is respectfully submitted that Claim 36 and its dependent claims are each patentably distinguished from Peyman '057 and are in condition for allowance. Specifically, Peyman '057 does not disclose or suggest a first optical element adapted to be implanted in the eye and having a first portion and a second portion, the first portion including a diverging lens, and the second portion including a converging lens, the converging and diverging lenses being offset from each other in a direction perpendicular to the optical axis of the eye, and a second optical element adapted to be implanted in the eye and positioned anterior to the first optical element and in series with the second portion and including a converging lens.

For similar reasons, it is respectfully submitted that Claim 41 and its dependent claims are each patentably distinguished from Peyman '057 and are in condition for allowance. Specifically, Peyman '057 does not disclose or suggest an optical element adapted to be implanted in the eye and having a first portion and a second portion, the first portion including a diverging lens, and the second portion including a first converging lens, the first converging lens and the diverging lens being offset from each other in a direction perpendicular to the optical

axis of the eye, a second converging lens capable of being implanted at least partially in the cornea, and in series with and anterior to the diverging lens.

For similar reasons, it is respectfully submitted that Claim 45 and its dependent claims are each patentably distinguished from Peyman '057 and are in condition for allowance. Specifically, Peyman '057 does not disclose or suggest a first optical element adapted to be implanted in the eye and having a first portion and a second portion, the first portion including a diverging lens, and the second portion including a converging lens, the converging and diverging lenses being offset from each other in a direction perpendicular to the optical axis of the eye, and a second optical element adapted to be implanted in the eye anterior to the first optical element and in series with the second portion and including a converging lens.

In view of the foregoing comments and amendments, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the number indicated below.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

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